

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Firm ID 11-2671938
Pres. Date: 12/14/15 9:30 a.m.

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In Re:

Chapter 11

Motor Parkway Enterprises, Inc.,

Case No.: 14-75667-AST

Debtor.

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NOTICE OF PRESENTMENT OF OBJECTION TO CLAIM

SIR/MADAM:

PLEASE TAKE NOTICE that an order will be presented for signature before the Honorable Alan S. Trust, United States Bankruptcy Judge, in his courtroom 960, United States Bankruptcy Court, Long Island Federal Courthouse, 290 Federal Plaza, Central Islip, New York 11722, on **December 14, 2015 @ 9:30 a.m.** The proposed order will seek an order disallowing claims as specifically set forth in the application annexed and in compliance with Bankruptcy Rule 3007, together with such other and further relief as this court deems just and proper.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the proposed Order must be in writing and filed with the Clerk of the Court, United States Bankruptcy Court, Eastern District of New York, 290 Federal Plaza, Central Islip, New York, 11722, (a)(i) through the Bankruptcy Court's electronic filing system (in accordance with General Order M-242), which may be accessed (with a password which is available by contacting the Bankruptcy Court's technical assistance at 631-712-6200, Monday through Friday, 8:30 a.m. to 5:00 p.m.) through the Internet at the Bankruptcy Court's website: www.nyeb.uscourts.gov using Netscape Navigator software version 3.0 or higher, and (ii) in portable document format (PDF) using Adobe Exchange software for conversion; or (b) if a party is unable to file electronically, such party shall submit the objection in PDF format on a diskette in an envelope with the case name, case number, type and title of document, document number of the document to which the

objection refers, and the file name on the outside of the envelope; or (c) if a party is unable to file electronically or use PDF format, such party shall submit the objection on a diskette in either Word, WordPerfect, or DOS text (ASC II) format. An objection filed by a party with no legal representation shall comply with section (b) or (c) as set forth in this paragraph. A hard copy of the objection, whether filed pursuant to section (a), (b), or (c), as set forth in this paragraph, shall be hand-delivered directly to the Chambers of the Honorable Alan S. Trust, and served so as to be received by Macco & Stern, LLP., 135 Pinelawn Road, Suite 120S, Melville, New York 11747, Attn: Cooper J. Macco, Esq. no later than **December 11, 2015 at 4:00 p.m.**

PLEASE TAKE FURTHER NOTICE that if no objections are received the Court may enter an order granting the relief sought without further notice or hearing. In the event that objections are timely received by the Court, the Court will schedule a hearing to consider the objections at a date and time to be determined by the Court.

PLEASE TAKE FURTHER NOTICE that in the event that timely objections are filed the Court shall conduct a hearing on a date to be determined by the Court.

Dated: Melville, New York
November 9, 2015

MACCO & STERN, LLP.
Attorneys for the Debtors

By: /s/ Michael J. Macco
MICHAEL J. MACCO
135 Pinelawn Road, Suite 120S
Melville, NY 11747
(631) 549-7900

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Case No. 14-75667 (AST)

Motor Parkway Enterprises, Inc.,

Chapter 11

Debtor
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DEBTOR'S OBJECTION TO ALLOWANCE OF CLAIM

Motor Parkway Enterprises, Inc.. (the "Debtor"), the above-referenced debtor and debtor-in-possession, by and through its counsel, Macco & Stern, LLP, hereby moves the Court for an order disallowing the proof of claim assigned claim number 13 (the "Claim") filed by PSEG Long Island (the "Claimant"), and respectfully sets forth as follows:

BACKGROUND

25. The Court has jurisdiction to consider this motion under 28 U.S.C. §§157 and 1334. This is a core proceeding under 28 U.S.C. §157(b). Venue is proper pursuant to 28 U.S.C. §§1408 and 1409. The statutory predicates for relief are §502 of title 11 of the United States Code (the "Bankruptcy Code"), Rule 3007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Rule 3007.1 of the Local Bankruptcy Rules for the Eastern District of New York (the "Local Rules").

BACKGROUND

26. On December 24, 2014 (the "Petition Date"), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").

27. On March 26, 2016, Claimant filed the Claim in the general unsecured amount of \$18,020.15 (the "Claim Amount"). A copy of the Claim is annexed hereto as **Exhibit A**.

28. The Debtor has continued to operate its business as a debtor-in-possession under Bankruptcy Code §§1107 and 1108. To date, the Office of the United States Trustee (the “UST”) has not appointed a chapter 11 trustee or official committee of unsecured creditors.

OBJECTION

29. Pursuant to Bankruptcy Code §502(b):

[I]f . . . an objection to a claim is made, the court, after notice and a hearing, shall determine the amount of such claim . . . as of the date of the filing of the petition, and shall allow such claim in such amount, except to the extent that –

- (3) Such claim is unenforceable against the debtor and property of the debtor under any agreement or applicable law for a reason other than such claim is contingent or unliquidated . . .

30. Additionally, pursuant to Bankruptcy Rule 3007(a), “[a]n objection to the allowance of a claim shall be in writing and filed. A copy of the objection with notice of the hearing thereon shall be mailed or otherwise delivered to the claimant . . . at least 30 days prior to the hearing.”

31. Debtor objects to the Claim on the grounds that the Debtor was current on an all pre-Petition Date invoices.

32. Accordingly, the Debtor believes the Claim should be disallowed in its entirety.

33. No previous application for the relief requested herein has been made to this or any other Court.

WHEREFORE, the Debtors respectfully request the Court enter an order disallowing the Claim and granting such further and different relief as the Court deems just and proper.

Dated: October __, 2015
Melville, NY

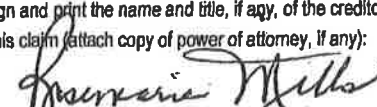
MACCO & STERN, LLP
Attorneys for the Debtors

By: _____

Michael J. Macco
A Member of the Firm
135 Pinelawn Road, Suite 120 South
Melville, New York 11747
(631) 549-7900

EXHIBIT A

FORM B10 (Official Form 10)(12/03)

United States Bankruptcy Court		Eastern	District of	New York	PROOF OF CLAIM									
Name of Debtor MOTOR PARKWAY ENTERPRISES INC.			Case Number 14-75667-AST		CLERK U.S. BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK 2015 MAR 26 P 12:21 RECEIVED This Space Is For Court Use Only									
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. sec. 503.														
Name of Creditor (The person or other entity to whom the debtor owes money or property): PSEG Long Island			<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.											
Name and Address Where Notices Should Be Sent Geralyn Clinch 15 Park Drive Melville, NY 11747 Telephone No. 631-844-3821														
Account or other number by which creditor identifies debtor: 831-05-0110-1			Check box <input type="checkbox"/> replaces a previously filed claim, dated: _____ if this claim <input type="checkbox"/> amends											
1. BASIS FOR CLAIM <input type="checkbox"/> Goods sold <input checked="" type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal Injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other: <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. sec. 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (Fill out below) Last four digits of SS#: 0 Unpaid compensation for: _____ from _____ to _____														
2. Date debt was incurred: 12/24/2014 3. If court judgement, date obtained:														
4. Total Amount of Claim at Time Case Filed: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: right;">\$18,020.15</td> <td style="width: 17%; text-align: right;">\$0.00</td> <td style="width: 17%; text-align: right;">\$0.00</td> <td style="width: 33%; text-align: right;">\$18,020.15</td> </tr> <tr> <td style="text-align: center;">(Unsecured)</td> <td style="text-align: center;">(Secured)</td> <td style="text-align: center;">(Priority)</td> <td style="text-align: center;">(Total)</td> </tr> </table>							\$18,020.15	\$0.00	\$0.00	\$18,020.15	(Unsecured)	(Secured)	(Priority)	(Total)
\$18,020.15	\$0.00	\$0.00	\$18,020.15											
(Unsecured)	(Secured)	(Priority)	(Total)											
If all or part of your claim is secured or entitled to priority, also complete item 5 and below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.														
5. Secured Claim. <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Value of Collateral: \$0.00 Amount of arrearage and other charges at the time case filed included in secured claim, if any \$ \$0.00				7. Unsecured Priority Claim. <input type="checkbox"/> Check this box if you have an unsecured priority claim. Amount entitled to priority. \$ \$0.00 Specify the priority of the claim. <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,650)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier—11 U.S.C. sec. 507(a)(3) <input type="checkbox"/> Contributions to an employee benefit plan—11 U.S.C. sec. 507(a)(4) <input type="checkbox"/> Up to \$2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use—11 U.S.C. sec. 507(a)(6) <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. sec. 507(a)(7) <input type="checkbox"/> Taxes or penalties of governmental units—11 U.S.C. sec. 507(a)(8) <input type="checkbox"/> Other—Specify applicable paragraph of 11 USC sec 507(a)										
6. Unsecured Nonpriority Claim \$ \$18,020.15 <input checked="" type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or c) none or only part of your claim is entitled to priority.				*Amounts are subject to adjustment on 4/1/98 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.										
8. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.					This Space Is For Court Use Only									
9. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If documents are voluminous, attach a summary.														
10. Date Stamped Copy: To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.														
Date 3/24/15		Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):  Rosemarie Mills, Collection Operations Supervisor												

Case 8-14-75667-ast Claim 13-1 Filed 03/26/15 Desc Main Document Page 2 of 2
 A STEVEN KESHTGAR :BANKRUPTCY 18-831-05-0110-15
 260 MOTOR PKY BRENTWOOD NY 11717 7 ELEVEN
 MAIL: 15 PARK DRIVE MELVILLE NY 11747

DEPOSIT		AMT DUE	CURRENT	30 DAY	60 DAY	90 DAY	TOT ARREARS
00		18020.15	18020.15	.00	.00	.00	.00
				#BUDGETS BILLED	BB/BAL		
CASH-DTE	TE	CASH-AMT *	BB/AMT	BILL-TOTAL	BILL-DTE	ELEC-AMT-RD	GAS-AMT-RD
03-17-15	30	19027.19 *		.00	12-24-14	.00 F	
03-10-15	97	23.47- *		5493.00	12-24-14	5493.00 E	
02-20-15	11	2650.96- *		5727.38	01-28-15	5727.38 CE	
02-20-15	11	4000.00- *		6500.04	12-29-14	6500.04 CA	
02-02-15	96	23.47 *		5021.28	11-25-14	5021.28 A	
01-15-15	11	5000.00- *		5174.32	10-28-14	5174.32 A	
12-29-14	11	3376.23- *		4786.60	09-27-14	4786.60 A	
12-29-14	11	4000.00- *		5885.72	08-30-14	5885.72 A	
12-29-14	40	64.82 *		6928.78	07-29-14	6928.78 A	
12-03-14	11	12374.32- *		5940.90	06-26-14	5940.90 A	
11-22-14	40	64.82 *		6483.00	05-29-14	6483.00 A	
10-29-14	11	12313.24- *		5265.40	04-26-14	5265.40 A	
09-29-14	96	326.64 *		5707.91	03-28-14	5707.91 A	
09-15-14	11	3000.00- *		6150.55	02-27-14	6150.55 A	

MOR SCNS

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Case No. 14-75667 (AST)

Motor Parkway Enterprises, Inc.,

Chapter 11

Debtor

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AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF SUFFOLK)s:-

Carol Smith, being duly sworn deposes that deponent is not a party to the above-captioned action, is over the age of 18 years and resides at West Islip, New York.

On November 9, 2015 deponent served the within DEBTOR'S OBJECTION TO ALLOWANCE OF CLAIM upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of the same, enclosed in a post-paid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

Office of the U.S. Trustee
Long Island Federal Courthouse
560 Federal Plaza
Central Islip, NY 11722

PSEG Long Island
Geraldyn Clinch
15 Park Drive
Melville, NY 11747



Carol Smith

Sworn to before me this
9th day of November, 2015

/s/ Janine M. Zarrilli

Notary Public

Janine M. Zarrilli

Notary Public, State of New York

No. 01ZA5084708

Qualified in Nassau County

Commission Expires September 8, 2017